

## REMARKS

The Examiner rejected claims 1-7, 11-17, 20-29, 31-35, and 38-39 while withdrawing claims 8-10, 18-19, 30, 36-37, and 40-67 from consideration. Claims 1 and 20 have been amended herein, while claims 2-3, 7, 16-17, 25, 29, and 34-35 have been cancelled without prejudice. Thus, claims 1, 4-6, 8-15, 18-24, 26-28, 30-33, and 36-67 are pending.

The specification has been amended at page 9, lines 7-10 to correct obvious typographical errors in the column numbers shown in Figure 10B. Table 1c at page 23, lines 2-5, has also been amended in the first column to recite HPV 16 E5 as the target mRNA, as indicated in the title of the table.

Claims 1 and 20 have been amended to recite that the nucleic acid molecule comprises double-stranded RNA or encodes a nucleic acid comprising double-stranded RNA. Applicants' specification fully supports these amendments. For example, page 17, lines 6-21 disclose double-stranded RNA lengths and targets. Further support can be found in Applicants' specification at, e.g., page 16, line 21 to page 17, line 21, Tables 1a, 1b, and 1c, and in original claim 47. Thus, no new matter has been added.

In light of the above amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 1, 4-6, 11-15, 20-24, 26-28, 31-33, and 38-39.

### Information Disclosure Statement

Applicants note that the Examiner has not initialed the references on page 6 of the Information Disclosure Statement filed on June 1, 2006. Applicants respectfully request that the Examiner consider these references. A copy of page 6 is attached hereto for the Examiner's convenience.

### Rejections under 35 U.S.C. § 102 or § 103

The Examiner rejected claims 1-7, 11-14, 16, 17, 20, 23-29, 34, and 35 under 35 U.S.C. § 102(b) as being anticipated by Crooke *et al.* (U.S. Patent No. 6,174,870). Specifically, the Examiner stated that the Crooke *et al.* reference discloses the use of antisense oligonucleotides to inhibit HPV16 in human cells and in humans. The Examiner also rejected claims 31-33 and 38-

39 under 35 U.S.C. § 102(b) as being anticipated by the Crooke *et al.* reference, or alternatively, under 35 U.S.C. § 103(a) as being obvious over the Crooke *et al.* reference for the reasons of record.

Applicants respectfully disagree. To further prosecution, however, claim 1 has been amended herein to recite that the nucleic acid molecule used in the claimed methods comprises double-stranded RNA or encodes a nucleic acid comprising double-stranded RNA. At no point does the Crooke *et al.* reference disclose such a nucleic acid molecule. In fact, the Crooke *et al.* reference doesn't mention double-stranded RNA at all. Thus, the Crooke *et al.* reference does not anticipate, or render obvious, the presently claimed invention.

The Examiner rejected claims 1-3, 7, 16, 20, 23-25, 29, and 34 under 35 U.S.C. § 102(e) as being anticipated by Milner (U.S. Patent Application No. 2004/0235171). The Examiner also rejected claims 31-33 and 38-39 under 35 U.S.C. § 102(b) as being anticipated by the Milner reference, or alternatively, under 35 U.S.C. § 103(a) as being obvious over the Milner reference for reasons similar to those indicated for the Crooke *et al.* reference.

Applicants respectfully submit that the rejections over the Milner reference are improper. The Milner reference has a PCT filing date of July 17, 2002. The present application claims priority to U.S. Provisional Patent Application No. 60/391,795, filed June 26, 2002. Thus, the Milner reference is not proper prior art.

In light of the above, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102(b), § 102(e), and § 103(a).

#### Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-7, 11-16, 20, 23-39, and 34, as directed to treatment with siRNA, under 35 U.S.C. § 103(a) as being unpatentable over the Milner reference and the Crooke *et al.* reference for the reasons of record. The Examiner also rejected claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over the Crooke *et al.* and Milner references.

Applicants respectfully disagree. The Milner reference is relied upon for each these rejections. As discussed above, the Milner reference is not proper prior art.

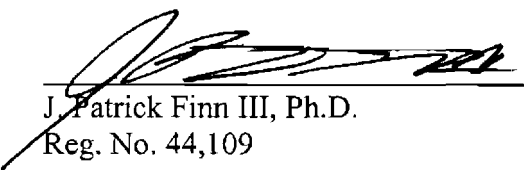
In light of the above, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103(a).

### CONCLUSION

Applicants submit that claims 1, 4-6, 11-15, 20-24, 26-28, 31-33, and 38-39 are in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned attorney at the telephone number provided if such would advance prosecution of this application. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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J. Patrick Finn III, Ph.D.  
Reg. No. 44,109

Fish & Richardson P.C.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696